THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18080 OF 2007

DATED: 03-09-2007

BETWEEN:

Smt. V. Veeramani, W/o. V. Veerappa,
And two others

…Petitioners

and

The Greater Hyderabad Municipal Corporation,
Rep. By its Commissioner, Lower Tank Bund,
Hyderabad and three others

…Respondents

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18080 OF 2007

ORDER:

This writ petition is filed by the petitioners seeking a direction to respondents 1 and 2 to release the sanctioned permission for building construction in respect of house No.11-1-377 and 378 of Aghapura, Hyderabad, without insisting for production of "NOC" from respondents 3 and 4.

It is stated that the petitioners are the owners and possessors of the property bearing house numbers 11-1-377 and 378 admeasuring 287.51 square yards situated at Aghapura, Hyderabad with specified boundaries. It is stated that the said property was purchased through a registered sale deed dated
22-02-2007. The vendors of the petitioners in turn purchased the said property in the year 1999 under two different sale deeds. It is further stated that the petitioners after demolishing the existing structure for raising a new structure made an application and submitted the required plans for approval. However, it is the case of the petitioners that they were asked to produce NOC from the revenue authorities, i.e.

respondents 3 and 4. Therefore, the petitioners have come up with the present writ petition seeking a direction to respondents 1 and 2 for release of the sanctioned plan without insisting for NOC.

Learned counsel for the petitioners relying upon an unreported decision of this Court in **G. SUDHEER KUMAR AND OTHERS v. MUNICIPAL CORPORATION OF HYDERABAD AND OTHERS"** in W.P.No.3474 of 2006 dated 14-12-2006 wherein this Court made the following observations:

> "It is needless to say that in the light of the consistent view expressed by this Court that 'no objection certificate' from the revenue authorities cannot be insisted upon, the respondents are bound to consider the applications referred to supra in accordance with law. It is needless to say that the petitioners may have to comply with the other objections, if any, which may be raised."

sought for appropriate orders.

No counter is filed on behalf of the respondents.

Under the above circumstances, without expressing any opinion on the merits of the case, the writ petition is disposed of directing respondents 1 and 2 to consider the application of the petitioners for sanctioning the building plan without insisting for production of NOC and dispose of the same expeditiously in accordance with law. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 03-09-2007

Note:

Issue C.C. within one week.

B/O

Rns